REMARKS

In this Amendment, Applicant has amended Claims 1, 5, 6, 11, 12, 14, 16, 17, 19 and 20, and cancelled Claims 13, 15 and 18. Claims 13, 15 and 18 have been cancelled without prejudice or disclaimer. Claims 1, 5, 6, 11, 12, 14, 16, 17, 19 and 20 have been amended to overcome the rejections and further specify the embodiments of the present invention. The support for the amendments to the claims can be found throughout the specification. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

INFORMATION DISCLOSURE STATEMENT:

The information disclosure statement filed on October 31, 2001 and April 2, 2004 was not consider due to allegedly failing to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication etc.

Applicant respectfully submits that the legible copies of the relevant foreign patents and publications cited in the information disclosure statement filed on October 31, 2001 and April 2, 2004 were properly provided to the U.S. Patent and Trademark Office on their respective filing dates. Enclosed please find the copies of the stamped postcard and the information disclosure statement, which constitute the prima facie evidence that the listed references were submitted. In addition, Applicant hereby provides another set of legible copies of the references of the previously submitted information disclosure statement.

Applicant respectfully requests the Examiner consider the information disclosure statement filed on October 31, 2001, April 2, 2004 and January 26, 2005, and return the properly signed PTO-1449.

Appl. No. 09/922,945 '
Reply to Office Action of January 13, 2005

Attorney Docket: P67026US0

REJECTIONS UNDER 35 U.S.C. § 102:

Claims 1 – 2 have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Beach et al. (US Patent 5,388,268), hereinafter Beach. Claims 13 and 15 have been rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by Carroll et al. (US Patent 6,651,098), hereinafter Carroll. Claim 18 has been rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by Johnson et al. (US Patent 5,964,839), hereinafter Johnson.

Applicant traverses the rejection and respectfully submits that the present-claimed invention is not anticipated by the cited reference. At first, Claims 13, 15 and 18 have been cancelled. Therefore, the rejection to these claims is moot.

Applicant respectfully submits that the embodiments of the present invention as presently amended in Claims 1 – 2 are different from the disclosure in Beach. According to the amended Claim 1, the monitor computer calculates the using time for each application software product excluding idle state time, which is the period from a time point when a certain time has passed from an action of the application software product up to a next action. In addition, the monitor computer calculates a total idle state time to sum idle state time divided into each application software product, calculates a use rate for each of the application software products which is a rate of the using time of each application software products in total using time and the total idle state time of all application software products, a use rate of idle state which is a rate of the total idle state time in total using time and the total idle state time of all application software products and outputs a use efficiency including the using time and the use rate for each of the application software products, the total idle state time and the rate of the idle state.

Therefore, the invention as in amended Claim 1 is enabled to treat a total idle state time like one of application software products, compare the using time of each application software product with the total using time and the total idle state time, and easily compare the use rate for each of the application software products with the rate of the idle state. However, Beach does not disclose or suggest the list of the rate of the total

idle state and the use rate for each of the applications like the Fig. 3 in the embodiments of the present invention in Claims 1 – 2.

Therefore, the newly presented claims are not anticipated by Beach, Carroll and Johnson, and the rejection under 35 U.S.C. § 102 has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 3 – 4 and 9 – 12 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beach in view of Johnson. Claims 5 – 8 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beach in view of Freund (US Patent 5,987,611). Claims 14 and 16 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beach in view of Hirokawa (US Patent 6,697,172). Claims 17 and 19 – 20 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Freund in view of Wattenberg (US Patent 6,583,794).

Applicant traverses the rejection and respectfully submits that the rejections under 35 U.S.C. § 103(a) have been overcome in view of the Claims 1, 5, 6, 11, 12, 14, 17, 19 and 20 as presently amended. At first, by their dependency on Claim 1, Claims 3 – 12 include the features that are not disclosed or suggested in Beach, as described above. Therefore, there is no motivation to combine Beach with Johnson or Freund. Even if they are combined, the embodiments of the present invention in the Claims 3 – 12 will not be rendered obvious.

In addition, Claim 14 has been amended to specify the embodiments of the invention, in which the monitor calculates the using time for each application software product excluding idle state time, which is a time period from a time point when a certain time has passed from an action of the application software products up to a next action. In addition, the monitor computer sums the using time for each monitor-subject computer, sums idle state time in all monitor-subject computers, calculates a working rate based on a ratio between the summed idle state time and the summed using time for each

Appl. No. 09/922,945
Reply to Office Action of January 13, 2005

Attorney Docket: P67026US0

monitor-subject computer, and displays a list of the names of the monitor-subject computers in an order of the working rate. Therefore, the embodiment of the present invention as in amended Claim 14 is enabled to easily understand the order of the working rate of the monitor-subject computers. Claims 16 – 17 and 19 – 20 also include these features due to their dependency on Claim 14.

To the contrary, Beach, Hirokawa, Freund and Wattenberg do not teach or suggest that the calculation of the working rate based on a ratio between the summed idle state time and the summed using time for each monitor-subject computer, nor the display of the list of the names of the monitor-subject computers in an order of the working time. According to the disclosure of these references, a person of ordinary skill in the art is not able to easily understand the order of the working rate of the monitor-subject computers.

Therefore, the newly presented claims are not unpatanble over Beach in view of Johnson or Freund, Beach in view of Hirokawa, Freund in view of Wattenberg and the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: April 11, 2005
(202) 638-6666
400 Seventh Street, N.W.
Washington, D.C. 20004
Atty. Dkt. No.: P67026US0

By_____
John C. Holman
Registration No. 22,769

JH Ref _P67026USO_   Today's Date __10/31/01__

Serial/Patent No. __09/922945__

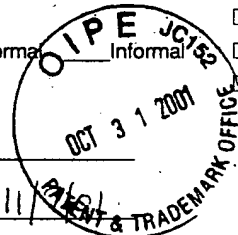Applicant, Patentee, Assignee __Mikio FUKASAWA__

Filing Date/Patent Date __August 7, 2001__

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☐ _____ pp. Specification & _____ Claims ☐ Response to Office Action

☐ Combined Declaration, Power of Attorney   ☒ Disclosure Statement-IDS

☐ Preliminary Amendment   ☒ Copies of References (1)

☐ Rule 53 (b) Application   ☐ Request for Refund

☐ Rule 53 (d)/RCE Application   ☐ Request for Corrected Filing Receipt

☐ Claim to Priority and Certified Copy   ☐ Petition for XOT

☐ Substitute   ☐ Subsequent Declaration   ☐ Notice of Appeal/Brief

☐ Maintenance Fee   ☐ Sequence Listing

☐ Drawings ____ Sheets ____ Formal ____ Informal ☐ Issue Fee Transmittal

☐ Assignment/Change of Name   ☐ Other _____

☐ Small Entity Declaration

     ☐ Check for $ _____   JACOBSON HOLMAN PLLC

                        400 SEVENTH STREET, N.W.

JH 5/01   DUE DATE __11__   WASHINGTON, D.C. 20004

Person filing __DLS__

OIPE JC13

OCT 3 1 2001

PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mikio FUKASAWA

Serial No.: 09/922945   Group Art Unit: 2184

Filed: August 7, 2001

For: COMPUTER MONITORING SYSTEM

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
Washington, DC 20231

Sir:

As a means of complying with the duty of disclosure under 37 CFR §1.56, and in accordance with 37 CFR §§1.97 and 1.98, Applicant(s), through the undersigned attorney, submits this Information Disclosure Statement. The patents, publications or other information submitted herewith are listed on the attached Form PTO-1449 and copies are attached.

Document AL is discussed on page 1 of the instant specification.

In accordance with 37 CFR §1.97(b)(1) or (2), this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, or within three months of the date of entry into the national stage of the
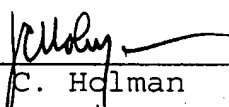
above-identified application as set forth in 37 CFR §1.491.
Accordingly, no fee is required.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: _____

John C. Holman
Registration No. 22,769

400 Seventh Street, N.W.
Washington, DC 20004
(202) 638-6666
Atty. Dkt. No.: P67026US0
Date: October 31, 2001

JACOBSON HOLMAN PLLC
400 SEVENTH STREET, N.W.
WASHINGTON, D.C. 20004-2201

LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.: P67026US0   GROUP ART UNIT: 2184
SERIAL NO.: 09/922945   FILING DATE: August 7, 2001
APPLICANT(S): FUKASAWA   TODAY'S DATE: October 31, 2001

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE (If Appropriate)
	AA						
	AB						
	AC						
	AD						
	AE						

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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION (YES)	(NO)
	AL	08-263283	10/1/96	Japan			X	
	AM							
	AN							
	AO							

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OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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	AR	
	AS	
	AT	

EXAMINER	DATE CONSIDERED

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

JCH-5/01-111a

JH Ref _P67026US0_ Today's Date _4/2/04_

Patent No. _09/922945_

Applicant, Patentee, Assignee _Mikio FUKASAWA_

Filing Date/Patent Date _August 7, 2001_

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

		Claims	
☐ _____ pp. Specification &			☐ Response to Office Action
☐ Combined Declaration, Power of Attorney			☒ Disclosure Statement-IDS (Second)
☐ Preliminary Amendment			☒ Copies of References (17)
☐ Rule 53 (b) Application			☒ Request for Refund
☐ Rule 53 (d)/RCE Application			☐ Request for Corrected Filing Receipt
☐ Claim to Priority and Certified Copy			☐ Petition for XOT
☐ Substitute ☐ Subsequent Declaration			☐ Notice of Appeal/Brief
☐ Maintenance Fee			☐ Sequence Listing
☐ Drawings ____ Sheets ____Formal ____Informal			☐ Issue Fee Transmittal
☐ Assignment/Change of Name			☒ Other _Copy JP Exam_
☐ Small Entity Declaration			_Report w/ Engl. trans._
☐ Check for $ _____			
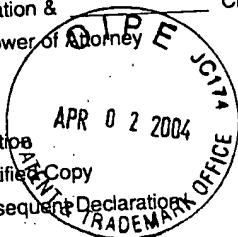
APR 0 2 2004

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JH 11/01   DUE DATE _N/A_

Person filing _DLS_

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mikio FUKASAWA

Serial No.: 09/922945   Group Art Unit: 2184

Filed: August 7, 2001

For: COMPUTER MONITORING SYSTEM

SECOND INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As a means of complying with the duty of disclosure under 37 CFR §1.56, and in accordance with 37 CFR §§1.97 and 1.98, Applicant(s), through the undersigned attorney, submits this Information Disclosure Statement. The patents, publications or other information submitted herewith are listed on the attached Form PTO-1449 and copies are attached.
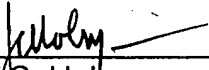
The documents listed on the attached Form PTO-1449 were cited in a Japanese Examination Report issued in a corresponding Japanese patent application. A copy of the Examination Report along with an English translation is attached.

In accordance with 37 CFR §1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits of the above-identified application.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: _____

John C. Holman
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400 Seventh Street, N.W.
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Atty. Dkt. No.: P67026US0
Date: April 2, 2004

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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

ATTORNEY DOCKET NO.: __P67026US0__	GROUP ART UNIT: ____2184____
SERIAL NO.: __09/922945__	FILING DATE: __August 7, 2001__
APPLICANT(S): __FUKASAWA__	TODAY'S DATE: __April 2, 2004__

* *

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION YES)	(NO)
_____	AA	59-094131	05/30/84	Japan	_____	_____	XX	
_____	AB	64-084347	03/29/89	Japan	_____	_____	XX	
_____	AC	04-086939	03/19/92	Japan	_____	_____	XX	
_____	AD	05-274190	10/22/93	Japan	_____	_____	XX	
_____	AE	06-059942	03/04/94	Japan	_____	_____	XX	
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_____	AG	09-274596	10/21/87	Japan	_____	_____	XX	
_____	AH	09-282275	10/31/97	Japan	_____	_____	XX	
_____	AI	10-510647	10/13/98	Japan	_____	_____	XX	
_____	AJ	10-326245	12/08/98	Japan	_____	_____	XX	
_____	AK	2000-207254	07/28/00	Japan	_____	_____	XX	
_____	AL	WO00/07099	02/10/00	WIPO	_____	_____		

* *

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

_____	AM	TEST DRIVE: eTrust Intrusion Detection (Session Wall-3), Windows 2000 World, July 1, 2000, Vol. 5, No. 7, pgs. 260-261
_____	AN	Maser KDE! Customization Part 2: Easy System Management from KDE Satoshi Kinebuchi et al, Apr 1, 2000, Vol. 9, No. 4, pgs. 33-39
_____	AO	Kawamata et al, May 10, 1999, Nikkei Computer, No. 469, pgs. 87-91, Restriction On Internet Use That Has Started By Companies...
_____	AP	Akaike et al, IPSJ JOURNAL, Vo. 33, No. 5, May 15, 1992, pgs. 736-745, Analysis System of User Action on X-Window
_____	AQ	ASCII DOS/V ISSUE, Vol. 6, No. 2, Feb 1, 2000, pgs. 112-117, Special Issue: Complete Analysis of Windoes 2000 Differences...

EXAMINER	DATE CONSIDERED

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to applicant(s).